

1 Sheri M. Thome
2 Nevada Bar No. 8657
Sheri.Thome@wilsonelser.com

3 I-Che Lai
4 Nevada Bar No. 12247
I-Che.Lai@wilsonelser.com

5 **WILSON ELSER MOSKOWITZ EDELMAN & DICKER LLP**

6 6689 Las Vegas Blvd. South, Suite 200

7 Las Vegas, Nevada 89119

Telephone: 702.727.1400

Facsimile: 702.727.1401

8 *Attorneys for Defendant D. Procyon, LLC, doing business as*
Embassy Nightclub

9
10 **UNITED STATES DISTRICT COURT**
DISTRICT OF NEVADA

11 MERCEDES TERRELL,

12 Case No. 2:21-cv-00725-APG-VCF

13 Plaintiff,

14 v.

D. PROCYON, LLC,

15 **STIPULATION AND ORDER TO SET**
ASIDE DEFAULT ENTERED AGAINST D.
PROCYON, LLC

Defendants.

16 Defendant D. Procyon, LLC, by and through its counsel of record Wilson, Elser, Moskowitz,
17 Edelman & Dicker, LLP, and Plaintiff Mercedes Terrell, by and through her counsel of record,
18 Alverson Taylor & Sanders, Attorneys at Law, hereby stipulate and agree to set aside the default
19 entered by this Court's clerk on August 18, 2021 (ECF No. 9). Under Fed. R. Civ. P. 55(c), a court
may set aside a default for good cause. Here, good cause exists.

20 Since service of summons and complaint, Defendant, as an entity who could not represent
21 itself in this case, attempted to retain an attorney to respond to the complaint. This involved a
22 lengthy but ultimately unsuccessful process to have Defendant's carrier provide legal representation.
23 Defendant eventually retained private counsel, which occurred after the default had been entered.

24 Once private counsel became involved in this case, the parties begun settlement negotiations,
25 which continues to this date. Setting aside the default is a part of the ongoing settlement
26 negotiations. All of this shows that Defendant has made diligent effort to participate in this case and
27 attempt to move the case to resolution expeditiously. This Court should therefore find good cause
28 and set aside the default against Defendant.

1 IT IS SO STIPULATED.

2 Dated: November 9, 2021

3 ALVERSON TAYLOR & SANDERS

5 */s/ David M. Sexton*

6 Kurt B. Bonds
7 Nevada Bar No. 6228
8 David M. Sexton
9 Nevada Bar No. 14951
10 6608 Grand Montecito Pkwy. #200
11 Las Vegas, NV 89149
12 Attorneys for Plaintiff

Dated: November 10, 2021

WILSON ELSER MOSKOWITZ EDELMAN
& DICKER LLP

5 */s/ I-Che Lai*

6 Sheri M. Thome
7 Nevada Bar No. 8657
8 I-Che Lai
9 Nevada Bar No. 12247
10 6689 Las Vegas Blvd. South, Suite 200
11 Las Vegas, Nevada 89119
12 *Attorneys for Defendant D. Procyon, LLC,*
13 *doing business as Embassy Nightclub*

12 **ORDER**

13 Based upon the stipulation of the parties and good cause appearing, the default entered
14 against Defendant (ECF No. 9) is set aside. Defendant has 20 days from the date of the entry of this
15 order to file an answer to Plaintiff's complaint.

16 IT IS SO ORDERED:

17 
18 _____
19 UNITED STATES DISTRICT JUDGE

20 DATED: 11/10/2021